

## **RULES AND REGULATIONS REGARDING LITTER, GARBAGE, AND REFUSE**

The Board of Health, City of Haverhill, in accordance with and under the authority granted by Chapter III, Section 31B of the Massachusetts General Laws, promulgated and adopted the following regulation at its meeting on August 11, 1998 and amended on October 15, 2002 to take effect March 1, 2003, amended on July 13, 2010, amended on August 24, 2010 to take effect October 13, 2010:

**Section 1:** A regulation relative to the discharge and control of litter as well as the safe and sanitary storage and disposal of refuse in the City of Haverhill.

### **Section 2: Definitions**

Unless this context specifically indicates otherwise, the meaning of terms used in this Regulation shall be as follows:

- A. **Litter** – shall mean refuse, garbage, rubbish, or any unwanted waste materials in any amount intended for disposal by any person or persons. It may consist of animal or vegetable waste, paper, cellophane, rubber, glass, metal, plastic and other like materials.
- B. **Refuse** – shall mean ordinary refuse which is unwanted, discarded, worthless materials or waste resulting from natural community activities, and consists of the following:
  - 1. **Garbage** – is the animal and vegetable waste resulting from the handling, preparation and cooking of food for human consumption.
  - 2. **Rubbish** – is miscellaneous refuse such as paper, rags, wood, excelsior, rubber, leather, glass, crockery, tin cans, metallic substances, and like materials.
- C. **Commercial Waste** – consists of any unusual wastes that accumulate on the premises of any commercial enterprise operating for profit not covered by the definition of refuse. Tires, mufflers, tailpipes, or other parts of any motor vehicle generated by vehicular repair shops are considered as Commercial Waste. Discarded building products, useable or non-useable generated by any commercial service company in the construction, alteration or repair of any structure (e.g., brick, earth, plaster, lathing, roofing materials, lumber, plumbing fixtures, etc.) are considered as Commercial Wastes. Such wastes shall not be collected by the City of Haverhill.
- D. **Industrial Wastes** – are waste materials, products or by-products from factories, processing plants and other manufacturing enterprises including any food processing wastes, highly flammable material or otherwise dangerous and/or hazardous wastes. Such wastes shall not be collected by the City of Haverhill.
- E. **Yard Waste** – vegetation that includes grass clippings, leaves, twigs, branches, brush (including Christmas trees), weeds, and all organic materials that can be composted, but not including railroad ties or other yard related material that has been treated with chemical preservatives.
- F. **Owner** – Shall mean any person, proprietary firm or corporation holding title to any real property within the City.
- G. **Occupant** – shall mean any person who rents or otherwise occupies for any purpose any part or parcel or real property in the City, whether or not a landlord-tenant agreement exists.
- H. **Littering** – shall mean the act of disposal of litter as defined above.
- I. **Retail** – The selling of goods in small quantities; as opposed to wholesale. Of, pertaining to, or concerned in the sale of goods in small quantities or parcels. Sell directly to the ultimate consumer.

### **Section 3: Litter**

- A. The owner or person in control of any private property shall at all times maintain his premise free of litter so that the same does not constitute a danger to public health, safety and welfare.
- B. No person shall throw or deposit litter in or upon any street, sidewalk or other public place in the City.
- C. No person shall deposit litter on any occupied private property within the City, in such a manner that it tends to create a danger to public health, safety and welfare, whether owned by such person or not, except the owner or person in control of private property may maintain private receptacles for collection, as authorized by this article.

### **Section 4: Unlawful use of litter receptacles:**

No person shall deposit household trash in public litter receptacles.

### **Section 5: Residential dwelling units**

- A. The owner of any dwelling that contains three or more dwelling units, and the owner of any rooming house, shall be responsible for providing as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal and shall so locate them to be convenient to the tenant (s) and that no objectionable odors enter the dwelling, or abutting dwellings.
- B. Outside household refuse containers shall be either galvanized metal or durable plastic not to exceed 35 gallons with appropriate tight fitting covers or any other Health Department approved containers. Securely tied disposable plastic bags may not be placed outdoors until day of collection.
- C. The amount taken from each dwelling unit shall not exceed three (3) thirty five (35) gallon trash bags/containers. The maximum amount to be collected from each residential lot shall not exceed twenty four (24) thirty five (35) gallon trash bags/containers. Residences with more than the allowed amount will be required to provide private pick up. Any other household item not excessive in bulk or greater than 50 lbs in weight, which can be handled by two men, will be accepted provided it is not a Department of Environmental Protection banned waste. One item per week.
- D. The contractor **WILL NOT** accept refrigerators, stoves, etc., air conditioners, rocks, stones, turf, soil, leaves, grass clippings, electronics, yard waste, large quantities of farm waste, iron ranges, or heating stoves, automobile bodies, engines, or other heavy parts, commercial or industrial waste, wood, construction debris or rubbish in cartons or paper bags or any other banned items.
- E. Collection in residential areas shall be conducted between 6:00 a.m. and 4:00 p.m. unless waived by the Board of Health, or its agent, for cause.
- F. Trash/recycling must not be placed at the curb before 4:00 p.m. on the day before collection and must be on the curb by 6:00 a.m. on the scheduled collection day in order to be picked up.
- G. Refuse containers must be returned to their proper storage area no later than 11:59 p.m. the day of collection.
- H. The resident is responsible for picking up loose trash from the sidewalk after collection.
- I. Residents shall separate their recyclable materials for bi-weekly curbside collection. Residents can place their recyclables out for collection in open containers, boxes, or paper bags clearly marked recycling.
- J. The Board of Health or its agent (s) has the authority to order a dumpster or private pick up if it is determined that a property is generating more trash than is allowed within these regulations.

## **Section 6: Leaf and Yard Waste**

- A. Yard waste shall not be mixed with any household waste.
- B. Yard waste shall not be set out with regular trash for collection. It may be properly composted on the property on which it was generated or it may be transported to the Municipal Composting Drop-Off Site.
- C. Yard waste delivered to the Municipal Composting Drop-Off Site shall have any bag or container removed, unless it is contained in an approved biodegradable bag.

## **Section 7: Mercantile Areas**

- A. MSW (municipal solid waste) and single stream recyclables will be collected once a week from properties located in the mercantile areas on Fridays only. Only one (1) 96-gallon container or 3 – 35 gallon containers will be allowed per building for municipal solid waste. Refuse containers shall be placed at the front of the property for collection. Owners of buildings generating more than the allotted amount of trash shall be responsible for providing dumpsters or private collection and disposal services for their refuse.
- B. The Board of Health or its agent (s) has the authority to order a dumpster or private pick up if it is determined that a property is generating more trash than is allowed within these regulations.
- C. Food establishments **WILL NOT** be collected unless a variance is granted by the Board of Health.
- D. Ninety six (96) gallon containers for MSW only are allowed to be used in the Mercantile Areas.

## **Section 8: Single Stream Recycling**

- A. The city shall offer single stream curbside recycling services city wide on existing trash routes. Commercial businesses and residential units in the mercantile areas which will be collected once a week on Fridays.

## **Section 9: Scavenging of trash**

- A. No person shall disturb, remove or collect any rubbish from any premises without consent of the owner thereof, nor any wastes placed out for collection, upon any sidewalk or way, except employees or agents of the City.
- B. No person shall interfere in any manner with the recyclables or the containers used for the accumulation of recyclables or remove any such container from the location where it shall have been placed by the owner or person lawfully in control of the premises, nor shall any such person remove the contents from any such container or interfere in any way with said container.
- C. This regulation is not meant to prohibit anyone from taking individual items placed at the curb for collection, i.e. chairs, tables, furniture, etc. It is intended to prevent disturbance of the contents of trash which is contained, i.e. barrels, bags, etc.

## **Section 10: Penalties**

- A. Any person (s) who fails to comply with this regulation shall be fined not less than fifty (\$50.00) nor more than three hundred dollars (\$300.00) for each offense. Each day's failure to comply with this regulation shall constitute a separate offense.